



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Johannes M.F.G. Aerts Examiner: Rebecca E. Prouty
Serial No.: 09/977,827 Group Art Unit: 1652
Filed: October 15, 2001 Docket: 294-32 DIV II/CON
Confirmation No: 4648 Dated: December 3, 2004

For: HUMAN CHITINASE, ITS
RECOMBINANT PRODUCTION,
ITS USE FOR DECOMPOSING
CHITIN, ITS USE IN THERAPY
OR PROPHYLAXIS AGAINST
INFECTION DISEASE

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner,
mailed June 16, 2004, finally rejecting Claims 1-14, 30 and 32-36.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

☐ other than a small entity.
☒ small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ Deposited with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to the
Commissioner for Patents, Alexandria, VA 22313-1450

FACSIMILE

☐ Transmitted by facsimile to the
Patent and Trademark Office

Deanna Bayer
Signature

Date: December 3, 2004

Deanna Bayer

12/08/2004 RHEBRAHT 00000002 09977827

01 FC:2253
02 FC:2401

490.00 OP
170.00 OP

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$170.00
<input type="checkbox"/>	other than small entity	\$340.00

Notice of Appeal fee due **\$170.00**

3. **EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

- (A) ☒ Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension (months)	Fee for Other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$215.00
<input checked="" type="checkbox"/>	three months	\$ 980.00	\$490.00
<input type="checkbox"/>	four months	\$1,530.00	\$765.00

Fee due for indicated extension **\$490.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for __ months has already been secured. The fee paid therefor of \$__ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$490.00**

- (B) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ <u>170.00</u>
Extension fee (if any)	\$ <u>490.00</u>

TOTAL FEE DUE **\$ 660.00**

5. **FEE PAYMENT**

☒ Attached is a check in the sum of \$660.00

☐ Charge Account No. _____ the sum of \$

A duplicate of this transmittal is attached.

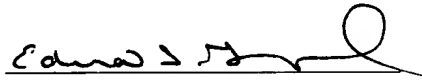
6. **FEE DEFICIENCY**

☒ If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

☒ If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,



Edna I. Gergel, Ph.D.
Registration No. 50,819
Agent for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
EIGdlb

197855